

Appl. No. 10/688,539

Atty. Docket No. 32328US02

**REMARKS**

In the Decision on Appeal dated February 16, 2010, the Board of Patent Appeals and Interferences affirmed the rejection of claims 1-4 under 35 U.S.C. § 112, second paragraph and reversed the rejection of claims 5 and 6 under 35 U.S.C. § 112, second paragraph. The Board also affirmed the rejections of claims 1-5 under 35 U.S.C. § 103(a) and reversed the rejections of claim 6 under 35 U.S.C. § 103(a). Accordingly, all grounds of rejection of claim 6 have been reversed.

By way of this Amendment, applicant has cancelled claims 5 and 6 and amended independent claim 1 to incorporate therein all the subject matter of dependent claims 5 and 6. Amended claim 1 is thus believed to be in condition for allowance. Claims 2-4 depend from claim 1 and are thus also believed to be in condition for allowance.

Because this Amendment only rewrites dependent claims into independent form, it is respectfully submitted that entry of the amendment is appropriate under 37 CFR § 41.33(b). Furthermore, applicant submits that entry of the amendment is appropriate under MPEP 1214.07 because it is believed that the Amendment obviously places the application in condition for allowance.

In view of the above, allowance of claims 1-4 at an early date is solicited.

Respectfully submitted,

February 25, 2010  
Date

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